

**DECISION
AND
FINDING OF NO SIGNIFICANT IMPACT
FOR REDUCING
PIGEON, STARLING, SPARROW, BLACKBIRD, RAVEN AND CROW
DAMAGE THROUGH AN
INTEGRATED WILDLIFE DAMAGE MANAGEMENT PROGRAM
IN WEST VIRGINIA**

The U.S. Department of Agriculture, Animal and Plant Health Inspection Service (USDA-APHIS), Wildlife Services (WS) program responds to requests for assistance from individuals, organizations and other government agencies experiencing damage caused by wildlife. Ordinarily, according to APHIS procedures implementing the National Environmental Policy Act (NEPA), individual wildlife damage management actions may be categorically excluded (7 CFR 372.5(c), 60 Fed. Reg. 6000-6003, 1995). To evaluate and determine if any potentially significant impacts to the human environment would occur from WS' planned and proposed program, an environmental assessment (EA) was prepared. This EA examines potential impacts of various alternatives for responding to bird damage complaints and concludes that there is a need for a Bird Damage Management (BDM) program in West Virginia. The EA analyzes the potential environmental and social effects for resolving bird damage related to the protection of agriculture, natural resources, property and human health and safety on private and public lands in West Virginia. WS' proposed action is to implement an Integrated Wildlife Damage Management (IWDM) program on public and private lands in West Virginia. Comments from the public involvement process were reviewed for substantial issues and alternatives which were considered in developing this decision.

WS is the Federal program authorized by law to reduce damage caused by wildlife (Animal Damage Control Act of 1931, as amended (46 Stat. 1486; 7 U.S.C. 426-426c) and the Rural Development, Agriculture, and Related Agencies Appropriations Act of 1988, Public Law 100-102, Dec. 27, 1987. Stat. 1329-1331 (7 U.S.C. 426c). Wildlife damage management is the alleviation of damage or other problems caused by or related to the presence of wildlife, and is recognized as an integral part of wildlife management (The Wildlife Society 1992). WS uses an Integrated Wildlife Damage Management (IWDM) approach, commonly known as Integrated Pest Management (WS Directive 2.105) in which a combination of methods may be used or recommended to reduce damage. WS wildlife damage management is but one means of reducing damage and is used as part of the WS Decision Model (Slate et al. 1992, USDA 1997, WS Directive 2.201). The imminent threat of damage or loss of resources is often deemed sufficient for wildlife damage management actions to be initiated (U.S. District Court of Utah 1993). Resource management agencies and individuals have requested WS to conduct BDM to protect human health and safety, agricultural, natural resources, and property. All WS wildlife damage management activities are in compliance with relevant laws, regulations, policies, orders and procedures, including the Endangered Species Act of 1973.

Consistency

The analyses in the EA demonstrate that Alternative 1: 1) best addresses the issues identified in the EA; 2) provides safeguards for public health and safety; 3) provides WS the best opportunity to reduce

damage while providing low impacts on non-target species; 4) balances the economic effects to agricultural and natural resources, and property; and 5) allows WS to meet its obligations to government agencies or entities.

Monitoring

The West Virginia WS program will review its lethal take of pigeons, starlings, sparrows, crows, ravens, blackbirds, and other species addressed in the EA each year to ensure that the statewide harvest does not impact the viability of target and non-target wildlife species. In addition, the EA will be reviewed each year to ensure that it and the analysis are sufficient.

Public Involvement

The pre-decisional EA was prepared and released to the public for a 30-day comment period by a legal notice in 19 newspapers in the state of West Virginia. The West Virginia Public Service Commission uses these newspapers for their legal advertisements and feel they reach more than 90% of the state population. The pre-decisional EA was also mailed directly to agencies, organizations, and individuals with probable interest in the proposed program. The one comment received during the 30 day comment period was from the West Virginia Division of Natural Resources supporting the proposed action.

Major Issues

The EA describes the alternatives considered and evaluated using the identified issues. The following issues were identified as important to the scope of the analysis (40 CFR 1508.25).

- Effects on target bird species
- Effects on other wildlife species, including T&E species
- Effects on public and pet health and safety
- Humaneness and animal welfare concerns of methods to be used
- Impacts to stakeholders, including aesthetics

Affected Environment

The proposed action will affect private and public lands in West Virginia including: agricultural fields, vineyards, orchards, dairies, livestock operations, and grain mills, and other rural lands; residential, parks, bridges, industrial sites and other urban/suburban properties where birds may roost, loaf, or nest; state and federal property such as dams, agriculture sites, and buildings. Additionally, the area of proposed action could include airports and surrounding property where birds represent a threat to aviation safety.

Alternatives Analyzed in Detail

The following four alternatives were developed to respond to the issues. Four additional alternatives were considered but not analyzed in detail with rationale. A detailed discussion of the effects of the Alternatives on the issues is described in the EA; below is a summary of the Alternatives.

Alternative 1 - Integrated Bird Damage Management Program (Proposed Action/No Action)

The proposed action is to continue feral pigeon, European starling, English sparrow, blackbird, common grackles, common raven, and American crow damage management program in the State of West Virginia. An IWDM strategy would be recommended and used, encompassing the use of practical and effective methods of preventing or reducing damage while minimizing harmful effects of damage management measures on humans, target and non-target species, and the environment. Under this action, WS could provide technical assistance and direct operational damage management, including non-lethal and lethal management methods by applying the WS Decision Model (Slate et al. 1992). In determining the damage management strategy, preference would be given to practical and effective non-lethal methods. The most appropriate response could often be a combination of non-lethal and lethal methods, or there could be instances where application of lethal methods alone would be the most appropriate strategy.

Alternative 2 - Non-Lethal Bird Damage Management Only by WS

This alternative would require WS to use nonlethal methods only to resolve bird damage problems. Persons receiving WS nonlethal technical and direct control assistance could still resort to lethal methods that were available to them. Currently, DRC-1339 and alpha-chloralose are only available for use by WS employees. Therefore, use of these chemicals by private individuals would be illegal. Appendix B of the EA describes a number of nonlethal methods available for use by WS under this alternative.

Alternative 3 - Technical Assistance Only

This alternative would not allow for WS operational BDM in West Virginia. WS would only provide technical assistance and make recommendations when requested. Producers, property owners, agency personnel, or others could conduct BDM using any lethal or nonlethal method that is legal. Avitrol could only be used by State certified pesticide applicators. Currently, DRC-1339 and alpha-chloralose are only available for use by WS employees. Therefore, use of these two chemicals by private individuals would be illegal. Appendix B of the EA describes a number of methods that could be employed by private individuals or other agencies after receiving technical assistance advice under this alternative.

Alternative 4 - No Federal WS Bird Damage Management

This alternative would eliminate Federal involvement in BDM in West Virginia. WS would not provide direct operational or technical assistance and requesters of WS services would have to conduct their own BDM without WS input. Information on BDM methods would still be available to producers and property owners through other sources such as USDA Agricultural Extension Service offices, universities, or pest control organizations. DRC-1339 and alpha-chloralose are only available for use by WS employees. Therefore, use of these chemicals by private individuals would be illegal. Avitrol could be used by State certified restricted-use pesticide applicators.

Alternatives Considered but not Analyzed in Detail are the Following:

Lethal Bird Damage Management Only by WS

Under this alternative, WS would not conduct any nonlethal control of birds for BDM purposes in the State, but would only conduct lethal BDM. This alternative was eliminated from further analysis

because some bird damage problems can be resolved effectively through nonlethal means and at times lethal methods may not be available for use due to safety concerns or local ordinances prohibiting the use of some lethal methods, such as the discharge of firearms. For example, a number of damage problems involving the encroachment of injurious birds into buildings can be resolved by installing barriers or repairing of structural damage to the buildings, thus excluding the birds. Further, such damage situations as immediately clearing a runway of a large flock of injurious birds could not be implemented immediately, while scaring them away through noise harassment might resolve the air passengers' threat at once.

Compensation for Bird Damage Losses

The Compensation alternative would require the establishment of a system to reimburse persons impacted by bird damage. This alternative was eliminated from further analysis because no Federal or State laws currently exist to authorize such action. Under such an alternative, WS would not provide any direct control or technical assistance. Aside from lack of legal authority, analysis of this alternative in the FEIS indicated that the concept has many drawbacks (USDA 1997):

- It would require larger expenditures of money and labor to investigate and validate all damage claims, and to determine and administer appropriate compensation.
- Compensation would most likely be below full market value. It is difficult to make timely responses to all requests to assess and confirm damage, and certain types of damage could not be conclusively verified. For example, it would be impossible to prove conclusively in individual situations that birds were responsible for disease outbreaks even though they may actually have been responsible. Thus, a compensation program that requires verification would not meet its objective for mitigating such losses.
- Compensation would give little incentive to resource owners to limit damage through improved cultural, husbandry, or other practices and management strategies.
- Not all resource owners would rely completely on a compensation program and unregulated lethal control would most likely continue as permitted by State law.
- Compensation would not be practical for reducing threats to human health and safety.

Short Term Eradication and Long Term Population Suppression

An eradication alternative would direct all WS program efforts toward total long term elimination of bird populations on private, State, Local and Federal government lands wherever a cooperative program was initiated in the State.

In West Virginia, eradication of native bird species (the starling, English sparrow, and feral domestic pigeon are not native to North America) is not a desired population management goal of State agencies. Although generally difficult to achieve, eradication of a local population of feral domestic pigeons, English sparrow or European starlings may be the goal of individual BDM projects in fulfillment of Executive Order 13112 On Invasive Species (see Subsection 1.7.2.7). This is because feral domestic pigeons, English sparrows and European starlings are not native to North America and are only present because of human introduction. However, eradication as a general strategy for managing bird damage will not be considered in detail because:

- All State and Federal agencies with interest in, or jurisdiction over, wildlife oppose eradication of any native wildlife species.
- Eradication is not acceptable to most people.
- Because blackbirds and European starlings are migratory, eradication would have to be targeted at the entire North American populations of these species to be successful. That would not be feasible or desirable.

Suppression would direct WS program efforts toward managed reduction of certain problem populations or groups. In areas where damage can be attributed to localized populations of birds, WS can decide to implement local population suppression as a result of using the WS Decision Model. Furthermore, it is not realistic or practical to consider large-scale population suppression as the basis of the WS program. Typically, WS activities in the State would be conducted on a very small portion of the sites or areas inhabited or frequented by problem species. Problems with the concept of suppression are similar to those described above for eradication.

Use of Bird-proof Feeders in Lieu of Lethal Control at Dairies and Cattle Feeding Facilities

A method proposed by Animal Protection of New Mexico, Inc. for excluding birds at dairies and cattle feeding facilities in that State, is a “bird-proof” feeder that involves the installation of 1/8" thick steel panel feed troughs covered by parallel 4-6 inch spaced steel cables or wires running from the outer top edge of the trough up at a 30-45 degree angle to the top of the head chutes that cattle use to access the feed. Vertical canvas strips are hung from the cables. The feeder was reportedly designed for use with horses. A copy of a diagram of this system was sent to Mr. Jim Glahn, Bird Control Research Biologist, National Wildlife Research Center (NWRC), who has nearly 12 years of experience researching problems caused by European starlings at livestock feeding operations.

- a major flaw in the design is the spacing of the cables at 4-6" which would allow European starlings to drop through. Reducing the spacing to 2" as recommended by Johnson and Glahn (1994) would likely interfere with the delivery of feed to the troughs. This is because the feed mixture currently used by most dairies is a mixture of chopped alfalfa hay and corn silage with a grain component. The alfalfa/corn silage portion would likely hang up on the cable or wire strands of the troughs and much would fall outside the troughs, with increased feed waste a result (Glahn).
- the spacing of the canvas strips is not specified, and canvas would deteriorate quickly from cattle licking and weather (Glahn).

Mr. Glahn expressed the opinion, based on Twedt and Glahn (1982) and Feare (1984), that exclusion methods to reduce starling depredations at livestock feeding operations are usually the least cost-effective solution. Despite the above concerns about the bird-proof feeder system recommended by APNM, Inc., similar type systems could be recommended by WS under the current program should any become available that are effective, practical, and economically feasible for producers to implement.

Finding of No Significant Impact

The analysis in the EA indicates that there will not be a significant impact, individually or cumulatively, on the quality of the human environment as a result of this proposed action. I agree with this conclusion and therefore find that an EIS need not be prepared. This determination is based on the following factors:

1. Bird damage management, as conducted by WS in West Virginia, is not regional or national in scope.
2. The proposed action would pose minimal risk to public health and safety. Risks to the public from WS methods were determined to be low in a formal risk assessment (USDA 1997, Appendix P).
3. There are no unique characteristics such as park lands, prime farm lands, wetlands, wild and scenic areas, or ecologically critical areas that would be significantly affected. Built-in mitigation measures that are part of WS's standard operating procedures and adherence to laws and regulations will further ensure that WS activities do not harm the environment.
4. The effects on the quality of the human environment are not highly controversial. Although there is some opposition to wildlife damage management, this action is not highly controversial in terms of size, nature, or effect.
5. Based on the analysis documented in the EA and the accompanying administrative file, the effects of the proposed damage management program on the human environment would not be significant. The effects of the proposed activities are not highly uncertain and do not involve unique or unknown risks.
6. The proposed action would not establish a precedent for any future action with significant effects.
7. No significant cumulative effects were identified through this assessment. The number of birds killed by WS, when added to the total suspected natural mortality of all species covered under this EA, WS take falls well within allowable harvest levels. The EA discussed cumulative effects of WS on target and non-target species populations and concluded that such impacts were not significant for this or other anticipated actions to be implemented or planned within the State.
8. The proposed activities would not affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, nor would they likely cause any loss or destruction of significant scientific, cultural, or historical resources.
9. The proposed action would not adversely affect Federally or West Virginia State listed threatened or endangered species.

10. The proposed action would be in compliance with all federal, state, and local laws imposed for the protection of the environment.

Decision and Rationale

I have carefully reviewed the Environmental Assessment (EA) prepared for this proposal and the input from the public involvement process. I believe that the issues identified in the EA are best addressed by selecting Alternative 1 (Integrated Bird Damage Management Program (Proposed Action/No Action)) and applying the associated mitigation measures discussed in Chapter 3 of the EA.

Alternative 1 is selected because (1) it offers the greatest chance at maximizing effectiveness and benefits to resource owners and managers while minimizing cumulative impacts on the quality of the human environment that might result from the program's effect on target and non-target species populations; (2) it presents the greatest chance of maximizing net benefits while minimizing adverse impacts to public health and safety; and, (3) it offers a balanced approach to the issues of humaneness and aesthetics when all facets of these issues are considered. Therefore, it is my decision to implement the proposed action as described in the EA.

Copies of the EA are available upon request from the West Virginia Wildlife Services Office, 730 Yokum St., Elkins, West Virginia, 26241.

Charles Brown, Acting Regional Director
APHIS-WS Eastern Region

Date

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